IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:19-CV-168-BO

FRANK BUETT,)	
)	
Plaintiff,)	
)	
v.)	<u>O R D E R</u>
)	
)	
JILL & JOE BIDEN,)	
)	
Defendants.)	

This cause comes before the Court on the memorandum and recommendation by United States Magistrate Judge Robert T. Numbers, II. [DE 4]. On May 20, 2019, Judge Numbers recommended that plaintiff be permitted to proceed *in forma pauperis* and that his claims be dismissed. *Id.* No objections to the M&R have been filed and the matter is ripe for review. For the reasons that follow, the M&R [DE 4] is ADOPTED and plaintiff's complaint is DISMISSED as frivolous.

BACKGROUND

In April 2019, plaintiff filed a *pro se* application to proceed *in forma pauperis* under 28 U.S.C. § 1915. [DE 1]. Plaintiff appears to allege that the former Vice President of the United States, Joe Biden, and his wife are harassing plaintiff and following him around in a bus with their friends. Plaintiff further alleges that defendants are involved in an extensive conspiracy with dozens of other individuals to persecute him. In May 2019, Judge Numbers entered the instant memorandum and recommendation (M&R), granting plaintiff's application to proceed *in forma pauperis* and recommending that plaintiff's claims be dismissed as frivolous under 28 U.S.C. § 1915(e)(2)(B). [DE 4]. Plaintiff did not timely file a response to the M&R.

DISCUSSION

A district court is required to review *de novo* those portions of an M&R to which a party timely files specific objections or where there is plain error. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). "[I]n the absence of a timely filed objection, a district court need not conduct de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation and citation omitted).

No party has objected to the M&R and the time for doing so has passed. The Court has reviewed the M&R and is satisfied that there is no clear error on the face of the record. Accordingly, the memorandum and recommendation is ADOPTED.

CONCLUSION

The memorandum and recommendation of Magistrate Judge Numbers [DE 4] is ADOPTED and plaintiff's complaint is DISMISSED WITHOUT PREJUDICE.

SO ORDERED, this As day of June, 2019.

TERRENCE W. BOYLE

CHIEF UNITED STATES DISTRICT JUDGE